

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

DANNY BELL

PLAINTIFF

v.

CIVIL ACTION NO. 1:19-cv-00084-GHD-DAS

ITAWAMBA COUNTY, MISSISSIPPI; et al.

DEFENDANTS

ORDER DENYING MOTION TO ALTER JUDGMENT AS MOOT

Presently before the Court is the Plaintiff's motion to alter judgment [34]. Upon due consideration and based upon the parties' agreed dismissal of Defendants Itawamba County and Northeast Mississippi Regional Water Supply District, the Court finds that the motion is moot.

On December 26, 2018, pursuant to Section 11-27-81 of the Mississippi Code, the Defendant Itawamba County filed a complaint in the Special Court of Eminent Domain of Itawamba County, Mississippi, seeking a grant of eminent domain to obtain temporary easements on two parcels of property, measuring 0.67 acres and 0.95 acres, owned by the Plaintiff in order to install a pipeline to bring water from the Tennessee-Tombigbee waterway to a water treatment plant.

While that action was pending, the Plaintiff, on April 29, 2019, preemptively filed this parallel action in this court, asserting claims for trespass, illegal taking, and conversion [1]. On June 18, 2019, Itawamba County extended an offer of judgment to the Plaintiff in the state court eminent domain action. After the Plaintiff indicated his purported acceptance of the offer of judgment, the Defendants moved to dismiss this action [27]. The Plaintiff did not respond to the Defendants' motion, and this Court granted the motion to dismiss. The Plaintiff then moved the Court to alter its judgment, arguing that a settlement between the subject parties had not been effected. Simultaneously, Itawamba County filed a motion in the state court to enforce the

settlement and for the state court to enter a final judgment. Given these developments, this Court entered an Order on October 11, 2019, holding the Plaintiff's motion to alter judgment in abeyance and instructing the parties to inform the Court when the state court entered a decision on Itawamba County's motion to enforce settlement and for entry of final judgment. The parties then informed the Court that a settlement had been reached between the Plaintiff and Itawamba County and Northeast Mississippi Regional Water Supply District; the Court subsequently, on January 16, 2020, entered an Order of Dismissal as to those Defendants. In light of those parties' resolution of the Plaintiff's claims, the Court finds that the Plaintiff's present motion to alter judgment is now moot.

Therefore, for the foregoing reasons, the Plaintiff's motion to alter judgment [34] is DENIED AS MOOT.

THIS, the 23rd day of January, 2020.

A handwritten signature in black ink, appearing to read "John H. Davidson". The signature is written in a cursive, flowing style.

SENIOR U.S. DISTRICT JUDGE